

## Assembly Bill No. 1901

### CHAPTER 129

An act to amend Sections 290.5 and 4852.13 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1996. Filed with Secretary of State July 8, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1901, Alby. Sex offenders: registration: rehabilitation.

(1) Existing law generally provides that any person convicted of a felony or of a misdemeanor sex offense may file a petition for a certificate of rehabilitation and pardon. If, after hearing, the court finds that the petitioner has demonstrated by his or her course of conduct his or her rehabilitation and his or her fitness to exercise all of the civil and political rights of citizenship, the court is required to make an order declaring that the petitioner has been rehabilitated, and recommending that the Governor grant a full pardon to the petitioner.

This bill would provide that the court shall have the discretion, rather than the duty, to make an order declaring the rehabilitation of a petitioner and recommending that the Governor grant a full pardon to the petitioner.

(2) Existing law provides that a person required to register with local law enforcement officials as a sex offender may petition for a certificate of rehabilitation and pardon and, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register as a sex offender.

This bill would make this provision providing for no further duty to register as a sex offender inapplicable to specified sex offenders.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 290.5 of the Penal Code is amended to read:

290.5. (a) A person required to register under Section 290 may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, and, except persons described in paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under Section 290. This certificate shall not relieve persons described in

paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290 of the duty to register under Section 290 and shall not relieve a petitioner of the duty to register under Section 290 for any offense subject to that section of which he or she is convicted in the future.

(b) (1) Except as provided in paragraphs (2) and (3), a person described in paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290 shall not be relieved of the duty to register until that person has obtained a full pardon as provided in Chapter 1 (commencing with Section 4800) or Chapter 3 (commencing with Section 4850) of Title 6 of Part 3.

(2) This subdivision does not apply to misdemeanor violations of Section 647.6.

(3) The court, upon granting a petition for a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, may relieve a person of the duty to register under Section 290 for a violation of Section 288 or 288.5, provided that the person was granted probation pursuant to subdivision (c) of Section 1203.066, has complied with the provisions of Section 290 for a continuous period of at least 10 years immediately preceding the filing of the petition, and has not been convicted of a felony during that period.

SEC. 2. Section 4852.13 of the Penal Code is amended to read:

4852.13. If, after hearing, the court finds that the petitioner has demonstrated by his or her course of conduct his or her rehabilitation and his or her fitness to exercise all of the civil and political rights of citizenship, the court may make an order declaring that the petitioner has been rehabilitated, and recommending that the Governor grant a full pardon to the petitioner. The order shall be filed with the clerk of the court, and shall be known as a certificate of rehabilitation.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve the public safety, it is necessary that this act take effect immediately.

